

EXHIBIT E37

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 FOR THE COUNTY OF LOS ANGELES
3 KIRK VON SALZEN and
4 JANET VON SALZEN,
5 Plaintiffs,
6 vs.
7 AMERICAN INTERNATIONAL INDUSTRIES INC., (sued
8 individually and as
9 successor to PINAUD, INC.,
10 BARBARA ALICE, INC., ED
11 PINAUD, INC. d/b/a ED.
12 PINAUD, and NESTLE-LE MUR
13 COMPANY); et al.,
14 Defendants.
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Case No. JCCP 4674/
BC680576

DEPOSITION OF
WILLIAM E. LONGO, PhD

June 27, 2018
11:28 a.m.

11555 Medlock Bridge Road, Suite 100
Johns Creek, Georgia

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through 12 have been attached to the original
transcript. Exhibit 8 was not provided to court
reporter at time of production.)

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16:45:35 1 organization, the ones that did this analysis?
16:45:37 2 A. I have testified about that in the past.
16:45:38 3 But I've also -- you know, since I started reviewing
16:45:42 4 Johnson & Johnson documents, I see that 1977 letter
16:45:47 5 that Ian Stewart sent to the Cosmetic -- I can't
16:45:53 6 remember all the acronyms -- that they never found
16:45:56 7 asbestos in one sample. And that's just not true.
16:45:58 8 They have samples where they found asbestos in them.
16:46:01 9 So I'm absolutely -- Walter McCrone was the guy for
16:46:06 10 optical microscopy.
16:46:07 11 Q. But haven't you testified in the past --
16:46:10 12 and if I'm not remembering this correctly, let me
16:46:13 13 know.
16:46:13 14 But even to this day you've testified that
16:46:18 15 Walter McCrone's group, that the same group that
16:46:22 16 analyzed this talc, same company, is still a
16:46:25 17 top-notch organization?
16:46:28 18 A. I'm not sure you've heard my testimony
16:46:31 19 lately in trial because I've been critical now of
16:46:34 20 McCrone through that, especially when I see things
16:46:37 21 like leaving data out where they found .05 percent.
16:46:42 22 And I have the utmost respect for
16:46:46 23 Dr. Walter McCrone, but he wasn't involved in the
16:46:48 24 day-to-day operations over at McCrone Associates.
16:46:51 25 Q. Okay. So let me ask you this, because the
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16:46:54 1 jury hears this when you say it. You're not saying
16:47:00 2 or suggesting that Ian Stewart is a liar, are you?
16:47:05 3 A. I don't know what was in Ian Stewart's
16:47:09 4 mind. I got asked that at trial. He may really
16:47:12 5 believe that. But I've seen the documents that
16:47:15 6 dispute what he said in that letter.
16:47:20 7 You know, don't ask me what I think about
16:47:23 8 it now. I can't say that Ian Stewart was a liar or
16:47:27 9 not. I don't know what he was thinking or what he
16:47:30 10 knew about the tests that were being done under his
16:47:33 11 management.
16:47:34 12 Q. You're not suggesting to the jury that the
16:47:38 13 McCrone organization that James Millette was involved
16:47:42 14 in, Walter McCrone and Ian Stewart 30 to 40 years
16:47:48 15 ago, you're not suggesting that they didn't want to
16:47:50 16 do their job correctly, are you?
16:47:52 17 A. Again, you're asking me to opine about
16:47:55 18 what is in somebody's mind. Here's the only thing I
16:47:58 19 can say. The 1977 letter about never finding
16:48:01 20 asbestos is not true.
16:48:03 21 Q. Okay.
16:48:04 22 A. Why that was done or what was in Ian
16:48:08 23 Stewart's mind, I can't testify about.
16:48:14 24 Q. You're not suggesting that somehow Walter
16:48:21 25 McCrone's group conspired to sell talc with asbestos
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16:48:25 1 in it with the manufacturers, are you?
16:48:29 2 A. I don't know what -- the reason behind Ian
16:48:34 3 Stewart's letter. And Walter McCrone's group at that
16:48:37 4 time was over at the Research Institute, so it's not
16:48:40 5 really something he was over and involved in on
16:48:44 6 management day-to-day operations. He was teaching.
16:48:47 7 He was, you know, one of the best PLM schools in the
16:48:52 8 country.
16:48:52 9 I don't know why Ian Stewart wrote that
16:48:56 10 letter when McCrone had data that said there was
16:48:58 11 asbestos in those samples.
16:49:01 12 Q. So you're talking about the 1987 McCrone
16:49:05 13 letter to Armstrong World Industries, the 1987 one;
16:49:10 14 right?
16:49:10 15 A. And the 1977 letter to the Cosmetic --
16:49:15 16 what is the acronym?
16:49:17 17 MR. PURDY: CTFA.
16:49:19 18 Q. (By Mr. Calfo) CTFA.
16:49:21 19 A. CTFA.
16:49:22 20 Q. So the part that you're saying is wrong is
16:49:24 21 where McCrone vice president Ian Stewart said the
16:49:30 22 Illinois EPA wrote to Windsor Minerals to the effect
16:49:35 23 that they were satisfied that Windsor's product is
16:49:39 24 free of asbestos, that has always been our opinion
16:49:42 25 and continues to be our opinion based on over 15
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16:49:45 1 years of closely examining this product.
16:49:47 2 That's what you were referring to in the
16:49:48 3 1987 letter; right?
16:49:50 4 A. Correct.
16:49:50 5 Q. And that's the one where we've heard you
16:49:53 6 testify and you get asked all the time about James
16:49:57 7 Millette being cc'd; right?
16:49:59 8 A. Correct.
16:49:59 9 Q. So would you agree with me that you have
16:50:05 10 testified that as of the 1970s and 1980s, that the
16:50:14 11 McCrone where James Millette was vice president and
16:50:19 12 had managed the lab, that that group was a top-notch
16:50:26 13 research organization at that time?
16:50:26 14 A. I have stated it.
16:50:27 15 Q. So let me ask you this, Dr. McCrone.
16:50:35 16 You're not --
16:50:35 17 MR. PURDY: Dr. Longo.
16:50:36 18 Q. (By Mr. Calfo) I'm sorry.
16:50:38 19 Dr. Longo, you're not accusing James
16:50:41 20 Millette or Ian Stewart or the other folks at McCrone
16:50:45 21 from that top-notch organization at the time of
16:50:50 22 conspiring to sell talc with asbestos in it, are you?
16:50:55 23 A. Again, I don't know what they were
16:50:57 24 thinking. It's my opinion those two letters are not
16:51:05 25 true. You have data showing that there was asbestos
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16:51:09 **1 found, and you have also -- so they don't correspond.**
16:51:18 **2 That's all I'm saying is -- I can't say**
16:51:21 **3 what they were thinking, their mind, or they were**
16:51:26 **4 involved in a conspiracy to expose babies to**
16:51:29 **5 asbestos. I was just looking at the letter that I'm**
16:51:32 **6 shown on cross-examination when I also know there's**
16:51:35 **7 data that makes that letter not valid.**
16:51:38 **8 Q.** Here's another question that I've been
16:51:40 **9** thinking about.
16:51:42 **10** James Millette, between you and
16:51:45 **11** Dr. Compton, have testified that he's a reliable
16:51:48 **12** person, he's an honest person, and you would agree
16:51:50 **13** with that, wouldn't you?
16:51:52 **14 A. I have the highest respect for**
16:51:54 **15 Dr. Millette. We have collaborated together, and**
16:51:56 **16 we've also been on opposite sides. So I don't agree**
16:51:59 **17 with everything he does, and if -- you know,**
16:52:04 **18 Dr. Millette needs to be asked, you know, how much**
16:52:07 **19 involvement did he have with that as vice president.**
16:52:10 **20 I don't know. I'm just trying to reconcile the**
16:52:13 **21 letter and the data.**
16:52:14 **22 Q.** But you would agree with me that someone
16:52:17 **23** like Dr. Millette is not the kind of guy that would
16:52:20 **24** knowingly allow test results to be fudged so that
16:52:27 **25** they were concluding there was no asbestos in the
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16:52:31 **1** baby powder when in fact there was? You're not
16:52:37 **2** saying that they would do that, are you?
16:52:39 **3** MR. PURDY: Objection. Compound, vague,
16:52:42 **4** and ambiguous, calls for speculation.
16:52:42 **5** THE WITNESS: I can't testify about what
16:52:44 **6** people are thinking or not thinking. I'm just
16:52:46 **7** looking at data and dates.
16:52:50 **8 Q.** (By Mr. Calfo) You know, Dr. Millette
16:52:53 **9** also was involved in the actual analysis of the talc
16:52:57 **10** used by Johnson & Johnson. You know that; right?
16:53:02 **11 A. I haven't seen his name on any of the**
16:53:05 **12 reports.**
16:53:06 **13 And again, it wasn't Dr. Millette who**
16:53:09 **14 wrote that letter. I don't know what the mindset of**
16:53:17 **15 any of these folks are. I'm just looking at letter,**
16:53:20 **16 data.**
16:53:21 **17 Q.** Let me ask you this. Have you ever
16:53:22 **18** thought to yourself, whether it's at home or in the
16:53:24 **19** shower or whatever, you know, Ian Stewart, even
16:53:26 **20** though I don't agree with him all the time, when he
16:53:29 **21** wrote that letter, he went so far as to cc
16:53:32 **22** Dr. Millette to ensure he had it? Did that ever pop
16:53:37 **23** into your mind?
16:53:38 **24** MR. PURDY: How could he possibly know --
16:53:40 **25** how could Dr. Longo sit here today and possibly
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16:53:41 **1** know that he cc'd Millette to ensure he got it?
16:53:46 **2** I mean --
16:53:46 **3 Q.** (By Mr. Calfo) Well, here's why I'm
16:53:48 **4** asking that, because I heard you criticize Ian
16:53:53 **5** Stewart at trial. So why do you --
16:53:53 **6** MR. PURDY: He stated why he criticizes
16:53:56 **7** Ian Stewart. Ian Stewart has positive tests
16:53:58 **8** that he knows about, and then he sends the
16:54:00 **9** letter saying there aren't positive tests. It
16:54:02 **10** couldn't be any clearer what the trial testimony
16:54:04 **11** has been, and it's not changing today.
16:54:06 **12** MR. CALFO: I know, but the problem I
16:54:08 **13** have -- and I don't want to have a debate about
16:54:10 **14** it -- is Dr. Longo knows what Dr. Stewart knows,
16:54:12 **15** and then he says he doesn't know whatever anyone
16:54:16 **16** else knows. So I think I'm entitled to ask the
16:54:19 **17** question. If he can't answer it --
16:54:20 **18** MR. PURDY: What's the question? Do you
16:54:21 **19** know what Dr. Millette knows?
16:54:23 **20** MR. CALFO: No.
16:54:23 **21 Q.** (By Mr. Calfo) Have you ever thought why
16:54:25 **22** Dr. Millette was cc'd on that letter if it was wrong?
16:54:28 **23 A. No. And I haven't even criticized Ian**
16:54:31 **24 Stewart to say anything like I know he's lying. I**
16:54:34 **25 just said I don't know what Ian Stewart is thinking.**
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16:54:38 **1 They are a good lab, but I'm having some**
16:54:41 **2 issues about that. And when I'm shown that letter**
16:54:46 **3 and say, look, you say McCrone is the best**
16:54:48 **4 organization in the world and they're saying they**
16:54:51 **5 have never found any asbestos, irrespective of the**
16:54:54 **6 data they have that did show asbestos.**
16:54:58 **7 Q.** In all your work in the last couple years
16:55:00 **8** on cosmetic talc have you have you ever seen a letter
16:55:03 **9** or anything that Dr. Millette authored that actually
16:55:09 **10** references to Johnson & Johnson, hey, don't use this
16:55:12 **11** talc because you're going to expose people to
16:55:16 **12** asbestos? Did you ever see any letter like that?
16:55:18 **13** MR. PURDY: Objection. Assumes
16:55:20 **14** Dr. Millette tested Johnson & Johnson. Lacks
16:55:22 **15** foundation, calls for speculation.
16:55:23 **16** THE WITNESS: I have not seen a letter
16:55:24 **17** like that, no.
16:55:25 **18 Q.** (By Mr. Calfo) You know Dr. Millette was
16:55:28 **19** manager in laboratory services at McCrone during the
16:55:33 **20** time period they tested the Vermont talc?
16:55:35 **21 A. In Atlanta, that's correct, he was**
16:55:43 **22 manager, and Richard Hatfield was the manager of the**
16:55:45 **23 overall lab.**
16:55:46 **24 Q.** And you know Dr. Millette was also vice
16:55:49 **25** president and general manager of McCrone when the
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CERTIFICATE

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I hereby certify that the foregoing transcript was taken down, as stated in the caption, and the questions and answers thereto were reduced to typewriting under my direction; that the foregoing pages 1 through 184 represent a true, complete, and correct transcript of the evidence given upon said hearing, and I further certify that I am not of kin or counsel to the parties in the case; am not in the regular employ of counsel for any of said parties; nor am I in anywise interested in the result of said case.

This, the 6th day of July 2018.

DEBRA R. LUTHER, B-881
Georgia Certified Court Reporter

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DEPOSITION OF WILLIAM E. LONGO, PhD /DRL

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WILLIAM E. LONGO, PhD

Sworn to and subscribed before me,

This, the _____ day of _____ 20____.

Notary Public
My commission expires: _____

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